

determination or 45 days after our final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

Public Comment

In accordance with 19 CFR 353.38, case briefs or other written comments in at least ten copies must be submitted to the Assistant Secretary for Import Administration no later than May 4, 1995, and rebuttal briefs, no later than May 11, 1995. In accordance with 19 CFR 353.38(b), we will hold a public hearing if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. Tentatively, the hearing will be held at 1:00 p.m. on May 16, 1995, at the U.S. Department of Commerce, Room 4803, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room B-099, within ten days of the publication of this notice. Request should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. In accordance with 19 CFR 353.38(b), oral presentations will be limited to issues raised in the briefs. In this investigation proceeds normally, we will make our final determination within 75 days after the preliminary determination.

This determination is published pursuant to section 733(f) of the Act and 19 CFR 353.15(a)(4).

Dated: March 13, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

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[A-351-806]

Silicon Metal From Brazil; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Antidumping Duty Administrative Review.

SUMMARY: In response to requests from petitioners and four respondents, the

Department of Commerce (the Department) has conducted an administrative review of the antidumping duty order on silicon metal from Brazil. This review covers four manufacturers/exporters and the period July 1, 1992, through June 30, 1993.

We have preliminarily determined that sales have been made below the foreign market value (FMV). If these preliminary results are adopted in our final results of administrative review, we will instruct U.S. Customs to assess antidumping duties equal to the difference between United States price (USP) and the FMV.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: March 20, 1995.

FOR FURTHER INFORMATION CONTACT: Fred Baker or Zev Primor, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230; telephone: (202) 482-5255.

SUPPLEMENTARY INFORMATION:

Background

On July 31, 1991, the Department published in the **Federal Register** (56 FR 36135) the antidumping duty order on silicon metal from Brazil. On July 7, 1993, the Department published (58 FR 36391) a notice of "Opportunity to Request an Administrative Review" of this antidumping duty order for the period July 1, 1992, through June 30, 1993. We received timely requests for review from Companhia Brasileira Carbureto de Calcio (CBCC), Companhia Ferroligas Minas Gerais Minasligas (Minasligas), Electroila, S.A. (currently known as Eletrosilex Belo Horizonte (Eletrosilex)), and Rima Eletrometalurgia S.A. (RIMA). We also received a request for review of the same four manufacturers/exporters of silicon metal from a group of five domestic producers of silicon metal (the petitioners). The five domestic producers are American Alloys, Inc., Elkem Metals Co., Globe Metallurgical, Inc., SMI Group, and SKW Metals and Alloys, Inc.

On August 24, 1993, the Department published a notice of initiation (58 FR 44653) covering the four manufacturers/exporters named above. We verified the cost responses of Eletrosilex, RIMA, and CBCC in June and July 1994. The Department has now completed the preliminary results of this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of the Review

The merchandise covered by this review is silicon metal from Brazil containing at least 96.00 percent but less than 99.99 percent silicon by weight. Also covered by this review is silicon metal from Brazil containing between 89.00 and 96.00 percent silicon by weight but which contains a higher aluminum content than the silicon metal containing at least 96.00 percent but less than 99.99 percent silicon by weight. Silicon metal is currently provided for under subheadings 2804.69.10 and 2804.69.50 of the Harmonized Tariff Schedule (HTS) as a chemical product, but is commonly referred to as a metal. Semiconductor grade silicon (silicon metal containing by weight not less than 99.99 percent silicon and provided for in subheading 2804.61.00 of the HTS) is not subject to the order. HTS item numbers are provided for convenience and for U.S. Customs purposes. The written description remains dispositive as to the scope of product coverage.

The review period is July 1, 1992, through June 30, 1993. This review involves four manufacturers/exporters of Brazilian silicon metal.

United States Price

In calculating USP, we used purchase price as defined in section 772 of the Tariff Act. Purchase price was based on the packed, F.O.B., C.I.F., or C&F price to the first unrelated purchaser in the United States, or to unrelated trading companies who export to the United States.

We made deductions from USP, where appropriate, for foreign inland freight, ocean freight, and brokerage and handling. We made an addition to USP, where appropriate, for duty drawback. These adjustments were in accordance with section 772(d)(2) of the Tariff Act. We also adjusted USP for taxes in accordance with our practice as outlined in *Silicomanganese from Venezuela, Preliminary Determination of Sales at Less Than Fair Value*, 59 FR 31204 (at 31205), June 17, 1994.

No other adjustments were claimed or allowed.

Foreign Market Value

In order to determine whether there were sufficient sales of silicon metal in the home market to serve as a viable basis for calculating FMV, we compared the volume of each respondent's home market sales to the volume of its third-country sales, in accordance with section 773(a)(1)(B) of the Tariff Act. In each case we found that the respondent's sales of silicon metal in

the home market constituted at least five percent of its sales to all other markets. Thus, other than where we relied upon constructed value (CV) (as described below), we based FMV on sales in the home market. See 19 C.F.R. 353.46(a).

Based on findings in the previous review and the less-than fair-value (LTFV) investigation that the respondents sold subject merchandise in the home market below the cost of production (COP), we conducted a cost investigation in this review in accordance with section 732(a) of the Tariff Act. We calculated each respondent's COP as the sum of all reported material costs, labor expenses, factory overhead, selling, general, and administrative (SG&A) expenses, and packing expenses. Because the Brazilian economy was hyperinflationary during the period of review (POR), we instructed respondents to follow our long-standing methodology for hyperinflationary economies, including the use of replacement costs. (See *Silicon Metal from Brazil, Final Results of Antidumping Duty Administrative Review*, 59 FR 42806 (August 19, 1994).)

We compared individual home market prices, net of the *imposto de circulacao de mercadorias e servicos* (ICMS) tax (a home market, valued-added tax), to monthly COPs. For CBCC, Eletrosilex, and RIMA, we found that, for each model sold in the home market, more than 90 percent of sales were made at below-COP prices, and were made over an extended period of time. Since CBCC, Eletrosilex, and RIMA provided no indication that these sales were at prices that would permit recovery of all costs within a reasonable period of time and in the normal course of trade, we disregarded all of their home market sales, and based FMV on CV in accordance with 19 C.F.R. 353.50. For Minasligas, we found that between 10 and 90 percent of home market sales were made at below-COP prices. However, since we determined that such sales were not made over an extended period of time, we did not disregard them in our calculation of FMV.

In order to determine whether below-cost sales had been made over an extended period of time, we compared the number of months in which below-cost sales occurred for each model to the number of months during the POR in which each model was sold. If a model was sold in fewer than three months during the review period, we did not exclude the below-cost sales unless there were below-cost sales in each month of sale. If a model was sold in three or more months, we did not exclude the below cost sales unless

there were below-cost sales in at least three months during the POR.

In accordance with section 773(e) of the Tariff Act, where we based FMV on CV, it consisted of the sum of the cost of manufacture (COM) of silicon metal, home market SG&A expenses, home market profit, and the cost of export packing. The COM of silicon metal is the sum of direct material, direct labor, and variable and fixed overhead expenses. For home market SG&A expenses, we used the larger of the actual SG&A expenses reported by the respondents or 10 percent of the COM, the statutory minimum for foreign SG&A expenses. For home market profit, we used the larger of the actual profit reported by the respondents, or the statutory minimum of eight percent of the sum of COM and SG&A expenses. See section 773(e)(1)(B) of the Tariff Act. We also made adjustments, where applicable, for differences between home market and U.S. market expenses for credit and warehousing.

We based FMV for Minasligas on prices to unrelated purchasers in the home market. We calculated a monthly, weighted-average price. Where applicable, we made adjustments for post-sale inland freight. We also made adjustments, where applicable, for differences between home market and U.S. market expenses for packing, credit, and warehousing.

No other adjustments were claimed or allowed.

Preliminary Results of Review

As a result of our review, we preliminarily determine that the following margins exist for the period July 1, 1992, through June 30, 1993:

Manufacturer/exporter	Margin (percent)
CBCC	21.39
Minasligas	0.00
Eletrosilex	11.28
RIMA	20.83

Interested parties may request a disclosure within 5 days of publication of this notice and may request a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 44 days after the date of publication, or the first workday thereafter. Interested parties may submit case briefs within 30 days of the date of publication. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication. The Department will publish a notice of the final results of this administrative review, which will include the results of its analysis of issues raised in any such case briefs.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between USP and FMV may vary from the percentages stated above. The Department will issue appraisal instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of silicon metal from Brazil entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Tariff Act: (1) the cash deposit rates for the reviewed companies will be those rates established in the final results of this review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review conducted by the Department, the cash deposit rate will be 91.06 percent, the "all others" rate established in the LTFV investigation.

These cash deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 C.F.R. 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 C.F.R. 353.22.

Dated: March 9, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

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